



Express Mail No. EL 988496961 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Castado, et al.

Docket No: BM45292 (306548)

Serial No.: 10/500,530

Confirmation No.: 7712

Filed: February 16, 2005

Group Art Unit: 1633

For: NOVEL COMPOUNDS

Examiner: Leavitt, M.

**INFORMATION DISCLOSURE STATEMENT**

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §§ 1.97 and 1.98, Applicant submits herewith patents, publications and/or other information (listed below and/or on the attached Substitute Form PTO 1449) that may be material to the examination of the captioned application, and in respect of which there may be a duty of disclosure as set forth in 37 CFR § 1.56, for consideration and to be made of record in the captioned application by the U.S. Patent and Trademark Office.

1. ☒ In accordance with 37 CFR 1.98, accompanying this Information Disclosure Statement are:

1a. ☒ copies of: (i) each foreign patent listed on the attached Substitute Form PTO 1449; (ii) each publication listed on the attached Substitute Form PTO 1449, or that portion which caused it to be listed, *other than* U.S. patents and U.S. patent application publications; (iii) for each pending unpublished U.S. application, a copy of the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and (iv) other information, or

that portion which caused it to be listed herein or on the attached Substitute Form PTO-1449 (37 CFR § 1.98(a)(2)); and/or

1b. ☐ a concise explanation of relevancy, or an English language translation, of non-English language publications listed on the attached Substitute Form PTO-1449 (37 CFR § 1.98(a)(3)(i) & (ii)).

2. ☐ Copies of the documents listed on the attached Substitute Form PTO 1449 that are further identified by asterisks are not enclosed herewith, because the information was previously submitted to, or cited by, the U.S. Patent and Trademark Office in parent application Serial No. \_\_\_\_\_, of which the captioned application claims benefit under 35 U.S.C. § 120, and the Information Disclosure Statement submitted in that parent application complied with paragraphs (a) through (c) of 37 CFR § 1.98 (37 CFR § 1.98(d)).

3. ☒ This Information Disclosure Statement is filed under 37 CFR § 1.97(b):

3a. ☐ within three months of the filing date of a national application other than a continued prosecution application under 37 CFR § 1.53(d);

3b. ☐ within three months of the entry of the national stage as set forth in 37 CFR § 1.491 in an international application;

3c. ☒ before the mailing of a first Office Action on the merits; *or*

3d. ☐ before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 CFR § 1.114. Accordingly, no certification or fee is required.

4. ☐ This Information Disclosure Statement is filed under CFR § 1.97(c) after the period specified by CFR § 1.97(b), but before the mailing date of any of a final Office Action under 37 CFR § 1.113, a notice of allowance under 37 CFR § 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of:

- 4a. ☐ the statement specified in 37 CFR § 1.97(e); *or*
- 4b. ☐ the fee set forth in 37 CFR § 1.17(p).
5. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(d) after the period specified by CFR § 1.97(c), but on or before payment of the issue fee, and is accompanied by:
- 5a. ☐ the statement specified in 37 CFR § 1.97(e); *and*
- 5b. ☐ the fee set forth in 37 CFR § 1.17(p).
6. ☐ Certification Statement (*applicable if Item 4a or 5a is checked*)
- 6a. ☐ In accordance with 37 CFR § 1.97(e)(1), the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; *or*
- 6b. ☐ In accordance with 37 CFR § 1.97(e)(2), the undersigned hereby states that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making a reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
7. ☐ Fee Statement and/or Authorization (*applicable if Item 4b or 5b is checked*)
- 7a. ☐ The fee set forth in 37 CFR § 1.17(p) is:
- ☐ enclosed; *or*

☐ to be charged to Dechert LLP Deposit Account No. 50-2778 (Order No. - ( )).

8. ☐ Additional materials (*if applicable*)

8a. ☐ a continuation application under 37 CFR § 1.53(b)(1) is filed concurrently herewith;

8b. ☐ a Request for Continued Examination under 37 CFR § 1.114 is filed concurrently herewith; *or*

8c. ☐ a Petition to Withdraw from issue under 37 CFR § 1.313(c)(2).

As specified in 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made.

The filing of this Information Disclosure Statement shall not be construed as a representation that no other material information as defined in 37 CFR § 1.56(a) exists.

As specified in 37 CFR § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any information cited herein is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

Moreover, while the patents, publications and/or other information disclosed in this Information Disclosure Statement may be “material” pursuant to 37 CFR § 1.56, the Disclosure is not intended to constitute an admission that any patents, publications and/or other information included or referred to herein is “prior art” to the captioned application unless specifically designated as such.

It is respectfully submitted that this Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609. Accordingly, consideration of the foregoing and prompt

return of a copy of the enclosed Substitute form PTO 1449 with the Examiner's initials in the left column in accordance with MPEP § 609 are respectfully requested.

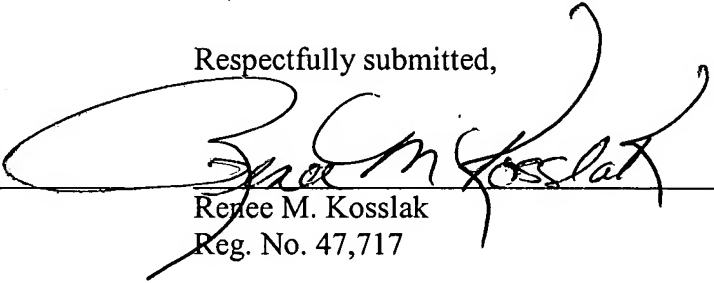
No fees are believed due in connection with this Information Disclosure Statement. However, the Commissioner is authorized to charge any additional required fees, or credit any overpayment, to Dechert LLP Deposit Account No. 50-2778 (**Order No. BM45292 (306548)**).

Please direct any inquiries in connection with the above referenced application to the undersigned at telephone number (415) 262-4577.

Respectfully submitted,

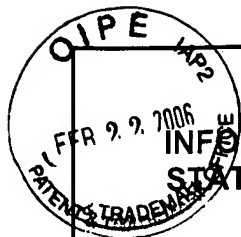
Date: February 21, 2006

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Substitute for form 1449A/PTO  
(Modified)

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

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of

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### Complete if Known

Application Number	10/500,530
Filing Date	February 16, 2005
First Named Inventor	Castado, et al.
Art Unit	1633
Examiner Name	Leavitt, M.
Attorney Docket Number	BM45292 (306548)

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1				
	A2				
	A3				

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	B1	WO 96/33276	10-24-1996	Human Genome Sciences, Inc.		
	B2					
	B3					
	B4					
	B5					
	B6					

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	C1	FLEISCHMANN, R.D., et al., "Whole-Genome Random Sequencing and Assembly of Haemophilus Influenzae Rd", <i>Science</i> , New Series, July 28, 1995, 496-498+507-512, 269(5223)	
	C2		
	C3		
	C4		
	C5		
	C6		
	C7		
	C8		
	C9		
	C10		

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Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English Language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and selection option 2